

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

CHERYL ANN MALONEY,

Plaintiff,

vs.

ANDREW M. SAUL, Commissioner
of Social Security Administration,

Defendant.

CV 19-134-BLG-TJC

ORDER

Based on the stipulation of the parties (Doc. 16), it is ORDERED that the case be REVERSED and REMANDED for further administrative proceedings including a *de novo* hearing pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Appeals Council will remand the case to a new administrative law judge (ALJ), who shall update the medical records, fully develop the administrative record, offer Plaintiff the opportunity for a hearing, and issue a new decision. The ALJ shall also:

- Comply with prior remand orders from the Court and the Appeals Council in considering whether Diane Quick, Ph.D. is a treating licensed psychologist, and therefore was an acceptable medical source. On remand, the ALJ should further develop this issue, including re-contacting Dr. Quick, as to whether she was a licensed psychologist at the time she issued her opinions;

- Reassess Plaintiff's maximum residual functional capacity; and
- Reassess Plaintiff's ability to perform other work in the national economy.

Upon proper application, Plaintiff may seek an award of reasonable attorney fees under the Equal Access to Justice Act, 28 U.S.C. § 2412.

DATED this 8th day of June, 2020.



TIMOTHY J. CAVAN
United States Magistrate Judge